

Executive Summary- Misdemeanor Marijuana **2017**

The following is an executive review of misdemeanor marijuana data for calendar year 2017. Arrest data involving adults 16 years of age and older was used for the purposes of this report, and limited to only those arrests in which at least one offense charged was for a violation of General Statutes relating to the misdemeanor possession of marijuana or drug paraphernalia.

For the year, there were 9,619 total charges filed, of which 217 (2.3%, Chart 1) were for POSSESS CONTROL SUBSTANCE SCHEDULE VI or POSSESS MARIJUANA UP TO 1/2 OZ (Table 1). This is lower than the 3.0 percent ratio for calendar year 2016, and the 3.9 percent ratio observed during the 18-month period from 1/1/2013 to 6/30/2014, which is used as a benchmark based on previously reported data.

Table 1 – Select Arrest Charges by Year

Charge	Description	2013	2014	2015	2016	2017	Grand Total
90-95(A3)6	POSSESS CONTROL SUBSTANCE SCHEDULE VI ¹	557	357	316	289	152	1,671
90-95(D4)	POSSESS MARIJUANA UP TO 1/2 OZ		82	94	63	79	383
90-113.22	POSSESSION OF DRUG PARAPHERNALIA			767	614	508	486
	Grand Total	1,406	1,065	887	854	498	4,710

Arrests in which misdemeanor possession of marijuana and/or drug paraphernalia are the only charges are infrequent. The 498 charges for 2017 related to these offenses came from 426 individual arrests. However, just 87 of these arrests involved only the aforementioned charges, which is 1.7 percent of the 5,168 total arrests for the year (Chart 2). This is less than the 2.2 percent rate observed for both calendar year 2015 and 2016. Geographically, they were distributed throughout the City, with the highest concentrations occurring at the Durham County Jail and Wellons Village shopping center.

Chart 1

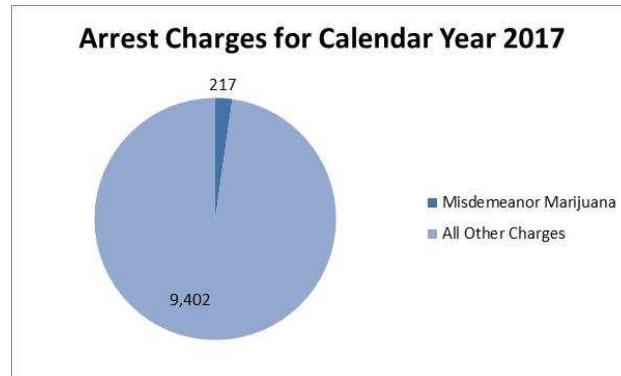
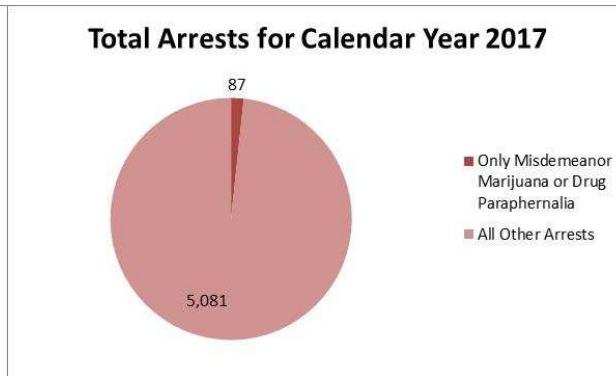


Chart 2



The 339 arrests in which marijuana possession or drug paraphernalia occurred in connection with other charges included 305 other drug offenses and 375 non-drug offenses. The top eight (8) most common non-drug offenses were RESIST DELAY OBSTRUCT PUBLIC OFFICER (40), CARRYING CONCEALED WEAPONS (28), MISDEMEANOR LARCENY (27), 2ND DEGREE TRESPASS (18), POSSESSING STOLEN GOODS (18), POSSESSION OF FIREARM BY CONVICTED FELON (17), PROBATION VIOLATION (17), and FAILURE TO APPEAR (16).

¹ Schedule VI = marijuana

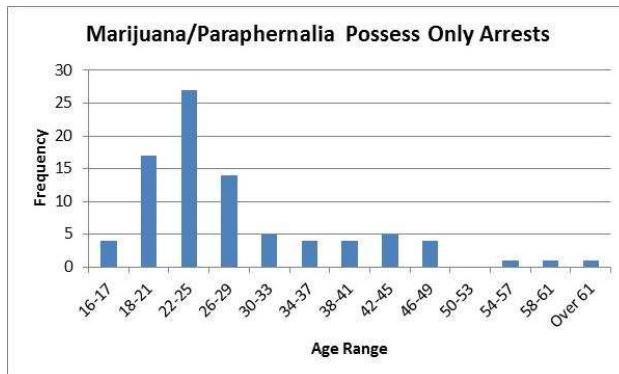
Table 2 – Arrest Types

Type	Count
Citation ²	34
On-View ³	17
Order For Arrest	25
Warrant For Arrest	11
Grand Total	87

Approximately 41 percent of the arrests where possession of marijuana and/or drug paraphernalia were the only charges stemmed from an existing order or warrant for arrest, with 40 percent being issued a citation (Table 2). Of the 17 persons taken before a magistrate (20%), 3 ended up being charged with a felony, and the arrestee had prior charges in all but 4 of the remaining 14 cases. Only 1 of these 4 does not have clear documentation on file as to the reason an alternative to arrest was not sought.

Demographics

There were 87 arrests during the year in which possession of marijuana and/or drug paraphernalia were the only charges. By race, 68 (78%) were Black and 19 (22%) were White. By sex, 72 (83%) were male and 15 (17%) were female. These ratios are similar to those for violent crime suspects in 2017⁴.



By age, the above graph shows arrestees most commonly fell into the 18-29 range, with significant drop-offs observed starting at 30 years old. Of the 87 aforementioned arrests, 54 (62.1%) were young (16-34)⁵ black males. In the [OJP Diagnostic Center \(DOJ\) report](#) released April 2015 on violent crime, gun violence and community-police relations in Durham, it stated on page 17 that “From 2009-2012, the average aggravated assault rate for young (15-34) black males was 6.4 times higher than the rate for all Durham residents.” When that data was replicated for all violent crimes in 2017, it was observed that the same demographic is only 5.6 percent of the total population in Durham⁶, but represents 38.2 percent (6.8x) of the violent crime victims and 59.5 percent (10.6x) of the identified suspects.

Misdemeanor Diversion Program

The Misdemeanor Diversion Program (MDP) was expanded from eligible 16-17 year olds through the age of 21 effective October 1, 2015. In November 2016, it became policy that “officers are required to initiate the referral process on all individuals who are eligible for the program.” Of the total 175 referrals to the MDP during the year, 33 were for marijuana/paraphernalia offenses; 17 were 16-17 years old, with the remaining 16 being 18-21 years old.

² Includes 5 citations that were improperly coded as ‘on-view’ arrests

³ Includes 3 arrests in which felony charges were involved (CJLEADS)

⁴ Identified violent crime suspects: 85% Black, 8% White, 7% Hispanic; 78% Male, 21% Female

⁵ Only adults are included in this report, which starts at 16 years old

⁶ Source: John Killeen, Neighborhood Improvement Services (ACS Place Geodatabase Downloads (2010-2014):

<https://www.census.gov/geo/maps-data/data/tiger-data.html>